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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE BRIGHT,

Plaintiff,

-against-

ANTHONY ANNUCCI, et al.,

Defendants.

18-cv-11111 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Willie Bright, proceeding *pro se*, commenced this 42 U.S.C. § 1983 action against Defendants Anthony Annucci, Thomas Griffin, Donald Wilkins, Sergeant M. Blot, Dr. Karuchee, Officer R. Kelly, Officer CJ Dillon, Officer Rogers, Sergeant Johanni, Officer Freeman, OSI Inspector H. Pharr, OSI Deputy Chief Y. Urracia, Dr. Bentivegna, OMH Jane Doe, John Does 1 and 2, and Colleen Gleason through a Complaint filed on November 28, 2018. (ECF No. 2.) Plaintiff was granted permission to proceed *in forma pauperis* on December 27, 2018.

John Does 1 and 2 and OMH Jane Doe were identified in the Court's Second Supplemental Order of Service, dated April 30, 2019, as C.O. Yitzchak Sudranski, C.O. Ersan Kahyaoglu, and Nurse Suzanne Roessel. (ECF No. 45.) On July 25, 2019, Plaintiff filed an Amended Complaint adding Defendants Adam Barter, "Russo," John Does 1 and 2, and Jane Doe. (ECF No. 57.)

On November 8, 2019, the Court issued a Third Supplemental Order of Service which, *inter alia*, directed service upon Adam Barter and further directed Defendants' counsel, the New York State Attorney General (the "NYAG"), to provide the identities of Russo, John Does 1 and 2, and Jane Doe. (ECF No. 66.)

Russo, one of the John Does, and Jane Doe were identified in the Fourth Supplemental Order of Service dated January 10, 2020, as Irma Russo, Anthony Ruvo, and Charlene Cody, respectively, and the Court directed service upon those Defendants. (ECF No. 70.) However,

based on the information provided by Plaintiff in the Amended Complaint, the NYAG was unable to identify the “John Doe” correction officer who responded to Plaintiff’s complaint of sexual assault on February 28, 2016. (*Id.*) Accordingly, the Court directed Plaintiff to provide further descriptive information to assist Defendants in identifying the John Doe correction officer. (*Id.*) Plaintiff provided such information to Defendants on February 28, 2020. (ECF No. 78.) By letter dated March 9, 2020, the NYAG identified the John Doe correction officer as Lieutenant Orazio Bucolo. (ECF No. 80.)

On March 13, 2020, the Court issued a Fifth Supplemental Order of Service which directed service upon Lieutenant Orazio Bucolo. (ECF No. 81.)

On December 3, 2021, Plaintiff filed a Second Amended Complaint, adding Defendant Nurse M. Schmidt. (ECF No. 122.) Plaintiff later requested leave to file a supplemental complaint (ECF No. 125), but this Court denied Plaintiff’s request by order dated December 27, 2022 (ECF No. 199). The Second Amended Complaint is the operative complaint.

I. *Valentin* Order

On January 3, 2023, the Court issued a Sixth Supplemental Order of Service which directed service upon Nurse M. Schmidt. (ECF No. 209.) The U.S. Marshals Service attempted service upon Defendant Schmidt at Green Haven Correctional Facility, but Defendant Schmidt was not employed there. (ECF No. 210.) The receipt of service was returned unexecuted. (*Id.*)

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Second Amended Complaint, Plaintiff names Nurse M. Schmidt as a Defendant. (ECF No. 122.) Plaintiff alleges that the New York Department of Corrections and Community Supervision (“DOCCS”) sent Defendant Schmidt to Green Haven Correctional Facility to treat Plaintiff. (*Id.* at 5, 16–17.) It is therefore ordered that NYAG, which is the attorney for and agent of DOCCS, shall ascertain the address

where Nurse M. Schmidt may be served. NYAG shall provide this information to Plaintiff and the Court, or inform the Court that it requires further information from Plaintiff in order to ascertain the address of Defendant Schmidt, within sixty days of the date of this Order.

Upon receipt of this information the Court will issue an order of service, directing service upon Nurse M. Schmidt at the address provided by Defendants.

II. Conclusion

NYAG is instructed to ascertain the address where Nurse M. Schmidt may be served and to provide this information to Plaintiff and the Court within 60 days.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff at the address listed on ECF and show proof of such service on the docket.

SO ORDERED.

Dated: February 14, 2023
White Plains, New York



NELSON S. ROMÁN
United States District Judge